

II. REMARKS

Claims 1-19 are pending. The Patent Examiner allowed claim 11, rejected claims 1-3, 9, 10, and 1-19, and objected to claims 4-8, 12-15, and 19.

Claims 1, 2, and 12-19 are currently amended. No new matter has been added.

A. Rejections under 35 U.S.C. §112

The Patent Examiner rejected claims 12-15 and 17-19 for failure to provide antecedent basis for the limitation “system.” Applicant respectfully traverses.

The word “system” in the preamble has been replaced with the phrase “device for processing material.” Antecedent basis for this phrase is provided in the preamble of claim 11 for claims 12-15 and in the preamble of claim 16 for claims 17-19. No new matter has been added.

B. Rejections under 35 U.S.C. §102

The Examiner rejected claims 1-3, 9-10, and 16-18 under 35 U.S.C. §102(e) as being anticipated by U.S. Pub. No. 2003/0014376 (DeWitt). Applicant respectfully traverses.

To anticipate under 35 U.S.C. §102(e), every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383 (Fed. Cir. 2001).

Claim 1 has been amended to further define “processing” as “milling.” “Milling” means “to shape, finish, or transform by passing through a machine; specifically, to shape or dress, as metal, such as by means of a rotary cutter.” WEBSTER'S REVISED UNABRIDGED DICTIONARY, © 1996, 1998 MICRA, Inc. A milling line, therefore, is one on which a material passes to be changed in shape or dress such as by cutting. (See current application, para. [0002]) DeWitt does not disclose a milling line. Instead, DeWitt discloses feeder 40 which serially feeds mail from a stack onto a roller bed 70, which conveys the mail to a reader 80. There is no milling

which occurs in DeWitt, and no milling line, and thus there is no milling of the material at a predetermined location along the milling line.

Further, DeWitt's sensor does not sense a measurement of a predetermined characteristic of material on the milling line. In addition to the lack of a milling line, DeWitt's sensor 24 essentially operates as an on/off switch such that when a lead piece of mail engages the sensor arm and displaces the arm inwardly to a pre-set trigger position in the gap, the conveyor is stopped, i.e. the sensor arm is displaced inwardly to the trigger position, the sensor 24 sends a signal to the system controller 15, which stops the conveyor motor 27, thereby stopping the conveyor 22, and the sensor arm is displaced outwardly, the sensor sends a signal to the system controller 15, which starts the conveyor motor 27, thereby starting the conveyor 22. Thus, there is no measurement of a characteristic, only the determination of presence or absence of material at the sensor.

Further still, DeWitt does not disclose calculating an adjustment of the material using a sensed characteristic of the material. That to which the Examiner cites relates to controlling flow of mail along the rollers. There is no disclosure of calculation of any adjustment to the material, e.g. to its shape or dress.

Finally, DeWitt does not disclose retaining a sensed characteristic for certification of the sensed characteristic. The sensed characteristic as claimed in the present application is related to if not the same measurement of the predetermined characteristic of the predetermined portion of the material, where the sensor is protected by a sensor housing. That to which the Examiner cites is image data obtained by a reader, but the image is not used by DeWitt to control a stepper motor or in the performance of any other claimed limitations of the current application. Moreover, DeWitt's verifier scans a printed label to ensure that postage was printed properly and

that the label was properly adhered. It does not certify the measured characteristic of the material.

The Patent Examiner asserted that DeWitt is an anticipating reference because the inventions claimed in claims 1 and 16 do not realize machining/milling. Claims 1 and 16 have been amended to more specifically point out that milling does occur.

Therefore, DeWitt does not disclose every element and limitation of the claimed invention arranged as in claim 1 and cannot be an anticipating reference under 35 U.S.C. §102(e).

With respect to claim 2, claim 2 depends from claim 1 which, having been traversed, is allowable. Therefore, claim 2 is allowable. As noted before, the Patent Examiner again mixes the characteristics to which the Examiner cites by mixing (1) a position sensed characteristic (location of mail on the line) with (2) an unrelated optically sensed data (image data).

With respect to claim 3, as claim 1, having been traversed, is allowable, Applicant respectfully submits that claim 3, depending from claim 1, is allowable.

With respect to claim 9, as claim 1, having been traversed, is allowable, Applicant respectfully submits that claim 9, depending from claim 1, is allowable. As noted before, DeWitt never discloses types of materials.

With respect to claim 10, as claim 1, having been traversed, is allowable, Applicant respectfully submits that claim 10, depending from claim 1, is allowable. As noted before, with respect to claim 10, DeWitt never discloses cutting, shaping, etching, welding, progressive dies, stamping, or riveting. DeWitt's "stamping" is imprinting, not milling

With respect to claim 16 as amended, "miller," as used in claim 16(c), is merely a device capable of providing milling operations. DeWitt does not disclose a milling line or a milling

table or a miller. DeWitt further fails to disclose calculation of an adjustment of the material based on sensed measurements.

With respect to claim 17, as claim 16, having been traversed, is allowable, Applicant respectfully submits that claim 17, depending from claim 16, is allowable. As noted before, DeWitt does not disclose any kind of tensioner, especially one that will keep a predetermined pressure between a stepper motor and the material.

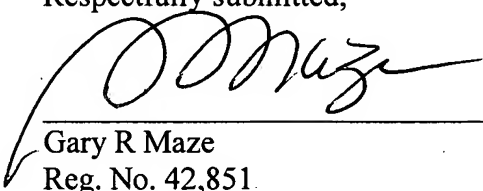
With respect to claim 18, as claim 16, having been traversed, is allowable, Applicant respectfully submits that claim 18, depending from claim 16, is allowable.

III. CONCLUSION

In view of the foregoing, Applicant respectfully requests an early Notice of Allowance of pending claims 1-19.

Respectfully submitted,

July 29, 2005



Gary R Maze
Reg. No. 42,851
Duane Morris LLP
3200 Southwest Freeway Suite 3150
Houston, TX 77027
Tel.: 713.402.3900
Fax: 713. 402.3901

CERTIFICATE OF MAILING 37 CFR 1.8(a)

I hereby certify that a copy of Response To First Office Action , along with any referred to as attached or enclosed is being deposited with the United States Postal Service as First Class mail, postage prepaid in an envelope addressed to: Mail Stop Non Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 29, 2005.

